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EXAMINER

ULRICH, NICHOLAS S

ART UNIT PAPER NUMBER

2109

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/828,513

Applicant(s)

SZETO, CHRISTOPHER T.

Examiner

Nicholas S. Ulrich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/28/2005, 4/24/2006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-19 are pending
2. The information disclosure statements (IDS) submitted on 4/24/2006 and 2/28/2005 has been considered by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 11 –18 are rejected under 35 U.S.C. 102(e) as being anticipated by Mann et al. (US 2004/0212640 A1).

In regard to **claim 11**, Mann discloses a computer program product that simultaneously displays multiple pages in one window, the computer program product comprising:

code for displaying a friends list page in an instant messenger window listing users that send and receive instant messages within an instant messaging community (*Paragraph 0073: presents messenger contacts; and Figure 3A element 310*);

code for displaying content of a first interactive content page in the instant messenger window at the same time that at least a portion of the friends list page is displayed in the instant messenger window (*Figure 5 element 508: Mann shows a flyout window that corresponds to selecting a tile of the invention for display; Paragraph 0073 line8 – Paragraph 0074 lines 1-2: Mann discusses an expanded view of tiles. The figure shows an expanded view of the video tile; and Paragraph 0077 lines 15-17: Shown on figure 6 is stock tile 610, which displays portfolio content. When looking at figure 6, notice element 603 (the messenger contacts tile) and tile 610 are displayed at the same time*);

code for preventing a user from hiding all of the friends list page from view in the instant messenger window (*Paragraph 0072 lines 12-14 and Paragraph 0097 lines 12-14: Mann discloses enabling automatic or manual resizing of a tile. Mann also discloses that tiles are reduced to visible fit. It should be understood that if a tile is set to be manual resizing, the invention will prevent the tile from becoming smaller than a user desired size*);

and a computer readable medium for storing the codes (*Paragraph 0054 lines 1-3: provide storage of readable instruction for computer*).

In regard to **claim 12**, Mann discloses the computer program product wherein the code for preventing the user from hiding all of the friends list page from view further comprises code for preventing the user from shrinking a visible portion of the friends list page to less than a preprogrammed minimum height for the friends list

page (Paragraph 0072, Paragraph 0097 lines 12-14, Paragraph 0095 lines 8-9 and Paragraph 0101: Mann discloses enabling automatic or manual resizing of a tile and also pinning a tile to keep it in a set location. So if manual resizing is selected a user can preprogram a minimal height for the messenger contacts. Mann also discloses that as tiles are added, tiles are reduced to visible fit, including an overflow area if every tile cannot fit. It should be understood that if a tile is set to be manual resizing and pinned, the invention will prevent the tile from becoming smaller than a user desired size or moving to the overflow area. As tiles are added, manipulated, or changed in any other way within the scope of the invention, the preprogrammed size of the messenger contacts will remain).

In regard to **claim 13**, Mann discloses the computer program product further comprising:

code for retrieving the content of the first interactive content page from a web page through the Internet (Fig 9 element 908: Mann shows a screen for adding different tiles. It can be read from the figure that ESPN score watcher tile includes real-time scores streamed right to your desktop. For real-time data to be streamed to the desktop, the content page would have to be connected to some kind of web page)

In regard to **claim 14**, Mann discloses the computer program product wherein the code for displaying the content of first interactive content page further comprises code for automatically refreshing the content of the first content page by accessing data from

the web page (*Fig 9 element 908: Mann shows a screen for adding different tiles. It can be read from the figure that ESPN score watcher tile includes real-time scores streamed right to your desktop. It is well known that streaming data is automatically updated. Please see Microsoft Computer Dictionary pg 499 for the definition of streaming: on the internet, the process of delivering information in a steady flow*).

In regard to **claim 15**, Mann discloses the computer program product wherein the code for displaying the content of the first interactive content page further comprises code for displaying the content of the first content page when the user selects a first tab in a tab selector region of the instant messenger window (*Figure 5 element 508: Mann shows a flyout window that corresponds to selecting a tile of the invention for display; Paragraph 0073 line8 – Paragraph 0074 lines 1-2: Mann discusses an expanded view of tiles.*).

In regard to **claim 16**, Mann discloses the computer program product further comprising:

code for displaying content of a second content page in the instant messenger window when the user selects a second tab in the tab selector region, the second content page being displayed at the same time that at least a portion of the friends list is also displayed in the instant messenger window (*Figure 6A elements 603, 606, and 610: Mann shows a plurality of tiles. The tiles are shown to be expanded within the window displaying there contents along with the messenger contact window; Figure 5*

element 508: Mann shows a flyout window that corresponds to selecting a tile of the invention for display; Paragraph 0073 line 8 – Paragraph 0074 lines 1-2: Mann discusses an expanded view of tiles. The figure shows an expanded view of the video tile but it should be understood from Mann's disclosure that any of the included tiles can be expanded like the video tile shown in figure 5. So any one of the tiles within Fig 6A can be expanded like the video tile in Fig 5 showing that a second content page can be displayed in the same window while the messenger contacts are displayed).

In regard to **claim 17**, Mann discloses the computer program product further comprising:

code for hiding the content of the first content page when the content of the second content page is displayed in the instant messenger window (Paragraph 0096 lines 1-5 and Paragraph 0097 lines 12-13: Mann discusses a plurality of tiles displayed. Mann also discloses the ability for a user to collapse a tile. It should be understood that Mann's invention gives a user much flexibility on how the window will look. From the disclosure it is evident that a user could implement the invention to have all the tiles collapsed except for a tile that the user is currently viewing data from. So the user has the ability to hide the contents of a first content page while displaying the content of a second content page all the while still displaying the messenger contacts).

In regard to **claim 18**, the computer program product further comprising:

code for minimizing the first content page in response to a user request so that the content is not visible in the instant messenger window (*Paragraph 0097 lines 12-13: user may collapse the tile by use of option*).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roskind (US 2003/0065721 A1) in view of Mann et al. (US 2004/0212640 A1).

In regard to **claim 1**, Roskind discloses in an instant messenger application displaying a friends list page in an instant messenger window, wherein the friends list page displays users that send and receive instant messages within an instant messaging community (*Paragraph 0002, Paragraph 0106 lines 1-2, and 0108 lines 5-9: Roskind discloses an instant messenger application which includes a buddy list for storing other users to communicate with*). Roskind fails to disclose "displaying multiple content pages", "displaying content of a first interactive content tab in the instant messenger window at the same time that at least a portion of the friends list page is

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also displayed in the instant messenger window”, and “and preventing a user from hiding all of the friends list page from view in the instant messenger window”. However, Mann discloses displaying multiple content pages (*Figure 6A elements 603, 606, and 610: Mann shows a plurality of tiles*), displaying content of first interactive content tab in the instant messenger window at the same time that at least a portion of the friends list page is also displayed in the instant messenger window (*Figure 5 element 508: Mann shows a flyout window that corresponds to selecting a tile of the invention for display; Paragraph 0073 line8 – Paragraph 0074 lines 1-2: Mann discusses an expanded view of tiles. The figure shows an expanded view of the video tile; and Paragraph 0077 lines 15-17: Shown on figure 6 is stock tile 610, which displays portfolio content. When looking at figure 6, notice element 603 (the messenger contacts tile) and tile 610 are displayed at the same time*), and preventing a user from hiding all of the friends list page from view in the instant messenger window (*Paragraph 0072 lines 12-14 and Paragraph 0097 lines 12-14: Mann discloses enabling automatic or manual resizing of a tile. Mann also discloses that tiles are reduced to visible fit. It should be understood that if a tile is set to be manual resizing, the invention will prevent the tile from becoming smaller than a user desired size*). Roskind and Mann are analogous art because they are both from the same field of endeavor of user interfaces. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Mann to Roskind’s invention because one of ordinary skill in the art would be motivated to provide an instant messenger application that provides a plurality of content tabs wherein when a content tab is selected, it is viewable within

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the same window as a friends list without completely obstructing the view of the friends list.

In regard to **claim 2**, Roskind fails to disclose "the method wherein preventing the user from hiding all of the friends list page from view further comprises preventing the user from shrinking a visible portion of the friends list page to less than a preprogrammed minimum height for the friends list page". However, Mann discloses the method wherein preventing the user from hiding all of the friends list page from view further comprises preventing the user from shrinking a visible portion of the friends list page to less than a preprogrammed minimum height for the friends list page (*Paragraph 0072, Paragraph 0097 lines 12-14, Paragraph 0095 lines 8-9 and Paragraph 0101: Mann discloses enabling automatic or manual resizing of a tile and also pinning a tile to keep it in a set location. So if manual resizing is selected a user can preprogram a minimal height for the messenger contacts. Mann also discloses that as tiles are added, tiles are reduced to visible fit, including an overflow area if every tile cannot fit. It should be understood that if a tile is set to be manual resizing and pinned, the invention will prevent the tile from becoming smaller than a user desired size or moving to the overflow area. As tiles are added, manipulated, or changed in any other way within the scope of the invention, the preprogrammed size of the messenger contacts will remain*). Roskind and Mann are analogous art because they are both from the same field of endeavor of user interfaces. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Mann

to Roskind's invention because one of ordinary skill in the art would be motivated to provide an instant messenger application that provides a plurality of content tabs wherein when a content tab is selected, it is viewable within the same window as a friends list without completely obstructing view of the friends list.

In regard to **claims 3 and 4**, Roskind fails to disclose "retrieving content of the first content tab from a web page through the internet" and "displaying the content of the first content tab further comprises automatically refreshing the content of the first content tab by accessing data from the web page". However, Mann discloses implementing a tile, which receives streaming data from a web page through the internet (*Fig 9 element 908: Mann shows a screen for adding different tiles. It can be read from the figure that ESPN score watcher tile includes real-time scores streamed right to your desktop. For real-time data to be streamed to the desktop, the content page would have to be connected to some kind of web page. It is well known that streaming data is automatically updated. Please see Microsoft Computer Dictionary pg 499 for the definition of 'streaming': on the internet, the process of delivering information in a steady flow*). Roskind and Mann are analogous art because they are both from the same field of endeavor of user interfaces. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Mann to Roskind's invention because one of ordinary skill in the art would be motivated to create an instant messenger program that includes a content tab that

when displayed causes the content tab to access the internet and automatically update data to display to the user so a user can view updated data from the internet.

In regard to **claim 5**, Roskind fails to disclose “the method wherein displaying the content of the first content tab further comprises displaying the content of the first content tab when the user selects a first tab in a tab selector region of the instant messenger window”. However, Mann discloses the method wherein displaying the content of the first content tab further comprises displaying the content of the first content tab when the user selects a first tab in a tab selector region of the instant messenger window (*Figure 5 element 508: Mann shows a flyout window that corresponds to selecting a tile of the invention for display; Paragraph 0073 line8 – Paragraph 0074 lines 1-2: Mann discusses an expanded view of tiles*). Roskind and Mann are analogous art because they are both from the same field of endeavor of user interfaces. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Mann to Roskind’s invention because one of ordinary skill in the art would be motivated to create an instant messenger program that includes a content tab that when activated displays a content to a user associated with the tab.

In regard to **claims 6 and 7**, Roskind fails to disclose “displaying content of a second content tab in the instant messenger window when the user selects a second tab in the tab selector region, the second content tab being displayed at the same time

that at least a portion of the friends list is also displayed in the instant messenger window” and “hiding the content of the first content tab when the content of the second content tab is displayed in the instant messenger window”. However, Mann discloses providing a plurality of content tabs and the ability to only show one expanded content tab along with the messenger contact window at a time (*Figure 6A elements 603, 606, and 610: Mann shows a plurality of tiles. The tiles are shown to be expanded within the window displaying their contents along with the messenger contact window; Figure 5 element 508: Mann shows a flyout window that corresponds to selecting a tile of the invention for display; Paragraph 0073 line 8 – Paragraph 0074 lines 1-2: Mann discusses an expanded view of tiles. The figure shows an expanded view of the video tile but it should be understood from Mann’s disclosure that any of the included tiles can be expanded like the video tile shown in figure 5. So any one of the tiles within Fig 6A can be expanded like the video tile in Fig 5 showing that a second content page can be displayed in the same window while the messenger contacts are displayed; and (Paragraph 0096 lines 1-5 and Paragraph 0097 lines 12-13: Mann discusses a plurality of tiles displayed. Mann also discloses the ability for a user to collapse a tile. It should be understood that Mann’s invention gives a user much flexibility on how the window will look. From the disclosure it is evident that a user could implement the invention to have all the tiles collapsed except for a tile that the user is currently viewing data from. So the user has the ability to hide the contents of a first content page while displaying the content of a second content page all the while still displaying the messenger contacts*). Roskind and Mann are analogous art because they are both from the same

field of endeavor of user interfaces. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Mann to Roskind's invention because one of ordinary skill in the art would be motivated to create an instant messenger program that includes a plurality tabs with the ability to only view one fully expanded tab along with the messenger window.

In regard to **claim 8**, Roskind fails to disclose "the content tab is an Internet radio tab that plays music". However, Mann discloses using a RealOne docked Player as a tile within the scope of the invention or even windows media player (*Fig 9 element 908 and 918: it well known that both RealOne and windows media player have the ability to access and play internet streaming radio. Please see 'internetradioindex.com source' which implements the idea that RealOne and windows media player can play internet radio*). Roskind and Mann are analogous art because they are both from the same field of endeavor of user interfaces. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Mann to Roskind's invention because one of ordinary skill in the art would be motivated to create an instant messenger program that includes a tab to access and play streaming radio over the internet without having to move away from their current view of the friends list.

In regard to **claim 9**, Roskind fails to disclose "the method further comprising:

minimizing the first content tab in response to a user request so that the content is not visible in the instant messenger window". However, Mann discloses the method further comprising: minimizing the first content tab in response to a user request so that the content is not visible in the instant messenger window (*Paragraph 0097 lines 12-13: user may collapse the tile by use of option*). Roskind and Mann are analogous art because they are both from the same field of endeavor of user interfaces. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Mann to Roskind's invention because one of ordinary skill in the art would be motivated to create an instant messenger program that allows a user to close a content tab so a user can move the content tab out of view when not interested in viewing content supplied by the content tab.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roskind (US 2003/0065721 A1) in view of Mann et al. (US 2004/0212640 A1) in view of Dobronsky (US 7159192 B2).

In regard to **claim 10**, Roskind and Mann fail to "disclose sending a message from a first IM user to a second IM user in the friends list in response to the first IM user selecting content in the first interactive content tab, wherein the message relates to the selected content". However, Dobronsky discloses in an electronic messaging program, selecting a virtual button to display content associated with the virtual button, selected desired content from displayed content for inclusion into message, transmit message to

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recipient (*Fig 3 elements 306, 308, 310, 312, and 314: Dobronsky does not specifically disclose selecting the recipient from a friends list but this method in instant messaging is well known in the art. Please see Microsoft Computer Dictionary definition of 'instant messaging'*). Roskind, Mann, and Dobronsky are analogous art because they are both from the same field of endeavor of electronic computing environments. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Dobronsky to Mann and further to Roskind's invention because one of ordinary skill in the art would be motivated to provide a messaging service that allows a user to formulate a message for a friend that incorporates content selected by the user, without having to perform multiple tasks to incorporate the data into the message.

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mann et al. (US 2004/0212640 A1) in view of Dobronsky (US 7159192 B2).

In regard to **claim 19**, Mann fails to disclose "code for sending a message from a first IM user to a second IM user in response to the first IM user selecting content in the first interactive content page, the second IM user being displayed in the friends list, and wherein the message relates to the selected content". However, Dobronsky discloses in an electronic messaging program, selecting a virtual button to display content associated with the virtual button, selected desired content from displayed content for

inclusion into message, transmit message to recipient (*Fig 3 elements 306, 308, 310, 312, and 314: Dobronsky does not specifically disclose selecting the recipient from a friends list but this method in instant messaging is well known in the art. Please see Microsoft Computer Dictionary definition of 'instant messaging'*). Mann and Dobronsky are analogous art because they are both from the same field of endeavor of electronic computing environments. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Dobronsky to Mann's invention because one of ordinary skill in the art would be motivated to provide a messaging service that allows a user to formulate a message for a friend that incorporates content selected by the user. It should also be noted that Mann expresses a need in the background section of his application for this particular method disclosed in claim 19 (*see Paragraph 0007*).

Conclusion

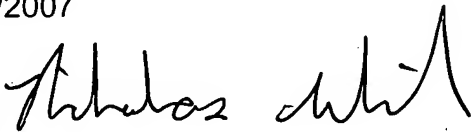
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas S. Ulrich whose telephone number is 571-270-1397. The examiner can normally be reached on M-TH 9:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chameli Das can be reached on 571-272-3696. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Nicholas Ulrich
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2/5/07